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REMARKS

Claims 1-37 of the application stand rejected. Claim 30 has been amended herein in order to delete extraneous language that appears to have been inadvertently introduced into the claim in a previous filed response. Applicant respectfully requests reconsideration of pending Claims 1-37 in light of the amendments and remarks herein.

35 U.S.C. §103

Claims 1-2, 4-7, 9-11, 13-15, 17-18, 21-23, 25, 28-37 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of U.S. Patent No. 6,157,401 (hereafter "Wiryaman") in view of U.S. Patent No. 5,760,917 (hereafter "Sheridan"). Additionally, Claims 3, 8, 11-12, 16, 19, 20, 24, 26 and 27 stand rejected under 35 U.S.C. §103 as being unpatentable over the combination of Wiryaman in view of Sheridan as applied to Claims 1 and 11, and further in view of Maali et al., U.S. Patent No. 6,567,775 (hereafter "Maali"). Applicant respectfully traverses the Examiner's rejections.

With respect to Claims 1, 17, 25 and 31, the Examiner concedes that Wirayaman does not teach or suggest sharing images based on a rule that specifies one or more recipients with whom images should be shared based on location-identifying information. The Examiner submits, however, that Sheridan discloses this element in Col. 5, lines 10-18 and Col. 6, lines 13-32 and 56-63. As such, the Examiner suggests that it would be obvious that one of ordinary skill in the art at the time of the invention would recognize the advantage of modifying Wirayaman's method by incorporating Sheridan's rule that specifies one or more recipients with whom images should be shared based on location-identifying information. Applicant strongly disagrees.

Applicant respectfully submits that independent Claim 9 includes the same elements as the other independent claims addressed by the Examiner. As such, the discussion below is assumed to apply to Claims 1, 9, 17, 25 and 31. In examining the independent claims, the Examiner concedes that although Wirayaman does not disclose a rule that specifies one or more recipients with whom images should be shared based on location-identifying information, Sheridan discloses this element. Applicant respectfully disagrees with the Examiner's contentions that (i) Sheridan discloses this element and/or

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that (ii) the combination of Wirayaman with Sheridan would have been obvious to one of ordinary skill in the art. First and foremost, Applicant respectfully submits that Sheridan does not teach or suggest this element of the claimed invention. For example, Col. 5, lines 10-18 of Sheridan describe:

"Each granted access right set is then stored at hub station 201 in association with the corresponding third party's *electronic address* and an access identification for that third party. The access identification may be an access code assigned by the user or hub station 201, or may simply be the third party's electronic mail ("e-mail") address, or may be an *electronic address* in the form of the user identification of another user of the system." (emphasis added)

Again, as with Wirayaman, Sheridan describes defining access according to a user's network or electronic address rather than a user's location. It is well known in the art that network addresses may be used to identify devices on a network, but these network addresses do not identify a physical location of the device. Thus, the scheme described in Sheridan is similar to the scheme described in Wirayaman, and both schemes resemble prior art schemes of sharing images, as described in the Background section of the specification (page 2, lines 9-20):

"Many such Web sites also offer a user the ability to send an e-mail to one or more recipients containing a hyperlink to the one or more digital photos to be shared with those recipients. By clicking on the hyperlink in most conventional e-mail software applications, a recipient can be quickly directed to all or some of the digital photos on the Web site through the recipient's browser. In some cases, the recipient may need to provide authorization information to gain access to the digital photo(s) because the user may not wish to provide open access or wants to selectively present different digital photos to different users. Another variation on this theme involves sending not a link but the actual digital photo itself to the one or more recipients. In this manner, the user does not need to attach or embed the digital photo into an e-mail; the user simply needs to identify recipients (and typically their e-mail addresses) to the Web site and the Web site software generates and sends e-mails including the digital photo(s) to the intended recipients." (emphasis added)

Similarly, the other sections of Sheridan highlighted by the Examiner also do not teach this element of the claimed invention. Col. 6, lines 13-32 and 56-63 of Sheridan describe:

"In order to assist a user in deciding whether to share further digital image sets with particular third parties, hub station 201 can be programmed to keep track of information on *how often* each third party to which an access right set has been granted, accesses the image set they are permitted to access, and further particulars on the access (for example, the images were e-mailed by the third party, and to whom, how often they were viewed or printed, and the like). Hub station 201 can then automatically periodically e-mail the user a report on this activity or have a report available for selected time periods for the user to view upon accessing hub station 201.

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The details of a particular system which incorporates a hub station and multiple remote terminals, and which further allows a particularly useful means by which digital images can be obtained, saved, and traced, from a hub station, will now be described in connection with FIGS. 3-6. Such a system, when programmed to execute the method of the present invention, can act as an image distribution apparatus of the present invention" (Col. 6, lines 13-32)"

and

"Additionally, each scanner system 6 can assign an associated identification signal to each image set signal so obtained. This assignment may be accomplished by suitable software running on scanner system 6, and is described further below. However, it will be noted at this point that each identification signal is unique in that it includes a scanner location identification which is unique for each processor-scanner station 2A to 2N." (Col. 6, lines 56-63).

With respect to these highlighted sections, Applicant is at a loss to understand how the above paragraphs in any way teach or suggest the element of a sharing rule based on *location-identifying information*. If anything, these sections further emphasize the fact that the scheme in Sheridan relies on *non* location-identifying information to determine access rights. Applicant once again reiterates that the invention, as claimed in independent Claims 1, 9, 17, 25 and 31 is directed to a system, apparatus, method and article for *location-based* image sharing. More specifically the elements of these independent claims include the limitations of defining a sharing rule that specifies with which one or more recipients images are shared based on *location-identifying information* associated with the one or more recipients images, and applying *location-identifying information* associated with an image to the sharing rule to determine the one or more recipients with which the image should be shared.

As described in the specification, location-identifying information includes "latitude/longitude coordinates provided by a global positioning system (GPS) included in or interoperating with the camera, manual location-identifying information associated with the image by the user in the camera or in a computer system into which the image is loaded, radio frequency identification (RFID) information provided by a RFID system included in or interoperating with the camera (e.g. a camera capable of reading RFID tags that are used to mark locations such as beacons), or any other location-identifying information associated with an image whether automatically or manually. The location-identifying information may also be associated with the image before, contemporaneously with, or after the image is taken and may be associated with the

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image in the camera or elsewhere such as on a computer system. Indeed, the image may be further processed by, for example, changing format, before or after the location-identifying information is associated with the image.” (Specification, Pages 4-5).

The type of location-identifying information claimed herein is thus in direct contrast to the so-called “location” scheme highlighted by the Examiner in Sheridan and/or Wirayaman. Sheridan and/or Wirayaman, alone or in combination, do not disclose any such location identifying information, as claimed, wherein the location-identifying information is associated with the image. Applicant therefore respectfully submits that there is no mention in Sheridan (or Wirayaman) of the concepts of “defining a sharing rule”, “location-identifying information” and/or “applying location-identifying information” to “determine the one or more recipients”.

Applicant additionally submits that since Claims 3, 8, 11-12, 16, 19, 20, 24, 26 and 27 are dependant on independent Claims 1, 9, 17, 25 and 31, the above discussion with respect to the rejection above is also applicable to these claims. In other words, without addressing the propriety of combining Maali with Wiryaman and/or Sheridan, Applicant submits that since Wiryaman does not teach all the elements of the independent claims and Sheridan and/or Maali also does not teach these elements, the combination of Wiryaman with Sheridan and/or Maali does not render any of the independent claims unpatentable. Since the dependant claims incorporate all elements of the independent claims, neither of these references, alone or in combination, renders any of the claims unpatentable. Applicant therefore submits that Claims 1-37 are patentable over Wiryaman, Sheridan and/or Maali, alone or in combination, and respectfully request the Examiner to withdraw the 35 U.S.C. §103 rejection to these pending claims.

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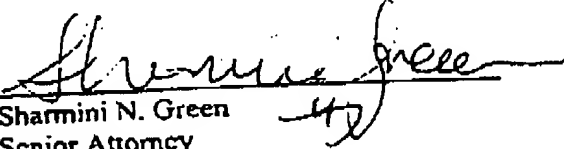
CONCLUSION

Based on the foregoing, Applicant respectfully submits that the applicable objections and rejections have been overcome and that pending Claims 1-37 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 669-1261.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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Sharmini N. Green
Senior Attorney
Intel Corporation
Registration No. 41,410
(714) 669-1261